

CHAPTER 13. BREWER PLANNING BOARD ORDINANCE

ARTICLE 1. THE BREWER PLANNING BOARD

SECTION 101. ESTABLISHMENT. Pursuant to the Constitution of the State of Maine and Title 30-A M.R.S.A. Section 3001, and Title 30-A M.R.S.A. Section 4324, the City of Brewer hereby establishes the Brewer Planning Board.

SECTION 102. APPOINTMENT.

SECTION 102.1. Appointments to the Board shall be made by the City Council.

SECTION 102.2. The Board shall consist of seven (7) members and two(2) associate members. (#2)(#3)(#4)

SECTION 102.3. The term of each member and associate member shall be for three (3) years. The term of each member shall end on December 31st. Effective December 31, 2002, the terms of the present duly appointed and existing Planning Board members and associate members whose terms are scheduled to expire December 31, 2002 shall be extended to March 31, 2003, the terms of members and associate members scheduled to expire December 31, 2003 shall be extended to March 31, 2004, and the terms of members and associate members scheduled to expire December 31, 2004 shall be extended to March 31, 2005. Thereafter the terms of each member and associate member shall expire on March 31st. (#1)

SECTION 102.4. The City Council shall appoint members and associate members upon the expiration of the terms members and associate members or when a vacancy exists. When an appointment is made to fill an existing vacancy, the appointment shall be for the unexpired term of the vacated membership. (#3)

SECTION 102.5. No member or associate member of the Planning Board shall serve concurrently as a member of the Board of Appeals for the City of Brewer.

SECTION 103. ORGANIZATION AND RULES.

SECTION 103.1. The Board shall elect a Chairman from among its members and a Secretary from among its members or associate members. It may create and fill such other offices from among its membership as it may determine. The term of all such offices shall be one (1) year or until their successors are elected, whichever occurs first. Members and associate members shall be eligible to succeed themselves in such offices. Such elections shall take place at the first regularly scheduled meeting after April 1st each year. (#1)

SECTION 103.2. When a member is unable to act because of interest, physical incapacity, absence or any other reason satisfactory to the Chairman, the Chairman shall designate an associate member to sit in his or her stead.

SECTION 103.3. An associate member may attend all meetings of the Board and participate in its proceedings, but may vote only when he or she has been designated by the Chairman to sit for a member.

SECTION 103.4. Any questions of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority of the members present and voting except the member who is being challenged. (#3)

SECTION 103.5. The Board, at the first regularly scheduled meeting of the year, shall designate the regular monthly meeting dates of the Board for the ensuing year. The meeting date may be changed from time to time by a vote of at least four (4) members of the Board. The Chairman may call special meetings of the Board when he or she determines it necessary upon twenty-four (24) hours notice to the membership of the Board. (#3)

SECTION 103.6. No meeting of the Board shall be held without a quorum. A quorum shall consist of any combination of members and associate members totaling four (4) or more. The approval of any motion before the Board shall require a simple majority of the members and associate members present and voting. (#3)(#4)

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SECTION 103.7. The Board shall adopt rules for transaction of business and the Secretary shall keep a record of its resolutions, transactions, correspondence, findings and determinations. All records shall be deemed public, shall be filed in the City Clerk's office, and may be inspected at reasonable times.

SECTION 103.8. In the absence of the Chairman and/or Secretary at any meeting, the members and associate members designated by the Chairman may select a Chairman and/or Secretary pro tem for the meeting. A Chairman pro tem shall be a member who is present at the meeting, and a Secretary pro tem may be either a member or associate member who is present at the meeting. (#3)

SECTION 104. DUTIES: POWERS.

SECTION 104.1. The Board shall be responsible for the preparation and amendment of the Comprehensive Plan for the City of Brewer, as defined by Title 30-A M.R.S.A. Section 4324, as the same may be amended from time to time. The Board shall adopt such a plan after due consideration and after presentation at a public meeting after ten (10) days notice by publication in a newspaper, of general circulation, in Penobscot County. Once the Comprehensive Plan or an amendment thereof, has been adopted by a majority vote of the Board, it shall be presented to the City Council for the City of Brewer and after adoption by the City Council, it shall be the Comprehensive Plan for the City of Brewer and shall be filed with the City Clerk.

SECTION 104.2. The Board shall perform such duties and exercise such powers as are provided by this Ordinance and the laws of the State of Maine.

SECTION 104.3. The Board specifically is authorized to act as the Site Plan Review Authority under the Brewer Land Use Code and the Reviewing Authority for planned unit development under said ordinance, and the Reviewing Authority under the Mobile Home Park Ordinance for the City of Brewer. The Board is to have all other authority given to it under Chapter 24 of the City of Brewer Charter, Codes and Ordinances. This grant in no way affects the delegation of authority in Section 104.2 above.

SECTION 104.4. The Board shall perform as a study and planning agency; such studies and planning as may be referred to it from time to time by the City Council for the City of Brewer.

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SECTION 104.5 The Board may obtain goods and services necessary to its proper functions within the limits of appropriations made for this purpose.

END OF CHAPTER NOTATIONS - CHAPTER 13

1. enacted 10/12/02, effective 10/15/02 (2002-C064)
2. enacted 03/04/03, effective 03/09/03 (2003-C008)
3. enacted 04/08/03, effective 04/08/03 (2003-C007)
4. enacted 08/17/04, effective 08/22/04 (2004-C018)